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MR. SUMNER,

THE

ALABAMA CLAIMS,

AND

THEIR SETTLEMENT.

PENNSYLVANIA

A LETTER TO THE "NEW YORK HERALD,"

BY

J. C. BANCROFT DAVIS.

John Chandler

Reprinted from the "New York Herald" of January 4, 1878.

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DOUGLAS TAYLOR, PRINTER, 87 & 89 NASSAU STREET & 128 FULTON STREET.

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LETTER.

To the Editor of the Herald:—

I avail myself of your courtesy to state a few facts concerning Mr. Sumner's connection with the Alabama claims and their settlement, some of which, I apprehend, are not generally known. The subject is no longer connected with the politics of the day, but has passed into history. There would, therefore, seem to be no indiscretion in making public all the facts bearing upon it. To that end I make this contribution.

When General Grant became President Mr. Reverdy Johnson's "Claims-Convention" was pending in the Senate. Mr. Sumner more than once expressed the opinion that had that treaty been acted on six months earlier it would have been accepted. When it came up for consideration in the second week of April, 1869, sentiment had grown up in the country hostile to it, and it was rejected. In the deliberations upon it Mr. Sumner set forth at length his views of the policy to be pursued in future negotiations with England for the settlement of the Alabama claims. Lest I should be supposed to misrepresent the doctrines of this speech, which was the beginning of the differences between Mr. Sumner and the Administration, I quote from it. Under the heading "The case against England" he said:

"At three different stages the British Government is compromised, *first, in the concession of ocean belligerency, on which all depended*; secondly, in the negligence which allowed the evasion of the ship in order to enter upon the hostile expe-

dition for which she was built, manned, armed and equipped; and thirdly, in the open complicity, which, after the evasion, gave her welcome, hospitality and supplies in British ports. Thus her depredations and burnings, making the ocean blaze, all proceeded from England, *which by three different acts lighted the torch.* To England must be traced the widespread consequences which ensued."

What those widespread consequences were, he set forth in detail under the heading "The Extent of Our Losses." He estimated "the loss sustained by the capture and burning of American vessels" at "about $15,000,000." The loss in the carrying trade he put at $110,000,000, on the authority of "a statistician." Then he said that, large as these losses were, there was another chapter where they were larger far—"the national losses caused by the prolongation of the war, and traceable directly to England," and he clinched the statement by saying "if through British intervention the war was *doubled in duration or in any way extended, as cannot be doubted*, then is England justly responsible for the additional expenditure to which our country was doomed;" and he stated the cost of the suppression of the rebellion at $4,000,000,000, thus leaving the calculation of this item plain to the youngest schoolboy.

It is not necessary to waste words to prove that such a doctrine, if supported by the Administration, would have shut the door against future negotiation, for it was manifestly for England's advantage to incur the risk of a war with the United States rather than adjust the Alabama claims by the admission of such a pretension. It may also reasonably be supposed that a statesman of Mr. Sumner's experience must have foreseen that England would so regard it, and must have intended to put a stop to all negotiations.

This speech was delivered and made public without consultation with the President and the Secretary of State, and was as much a surprise to them as to anybody. Nevertheless, from the intimate relations between the Secretary of State and the Senator, the world would probably have

assumed, and would have been justified in assuming, that the latter had spoken by authority. The Administration was therefore forced at once to decide what should be its attitude toward England on that question. This was all the more important since, before the speech was delivered, it had been decided, on Mr. Sumner's request, to send Mr. Motley to England.

It is no disparagement to Mr. Motley to say that but for Mr. Sumner's influence he probably would not have been selected for this responsible post.

The President and Mr. Fish agreed with Mr. Sumner that the British proclamation of belligerency was hasty, unnecessary, and not justified by facts. Unlike him, however, they regarded it as an act unquestionably within the competence of an independent political power, which might (had the condition of this country at the time made such course expedient) have been treated as a cause of war. Not having been thus treated at the time of its issue, it was, in their judgment, to be referred to, in any subsequent proceedings which might take place, only as showing the animus of the conduct of Great Britain during the war. So far from thinking it advisable to shut the door against negotiation, Mr. Fish, in those early weeks of the Administration, had sketched out in his own mind, and had put upon paper the outlines of the scheme of settlement which two years later was carried into effect.

Mr. Sumner was much disturbed by this attitude of the Administration. He had frequent and prolonged interviews with the Secretary of State at his house. I remember, too, that he talked with me on the subject, and spoke feelingly of his own services and of his position in the Senate, and that he seemed to regard the non-acceptance of his views as a "sacrifice" of him by the Administration.

The draft of Motley's instructions was prepared by Mr. Fish in accordance with his own views, and when prepared received the approval of the President and of the Cabinet. Mr. Sumner came to the Department (a thing he did only four or five times during Mr. Fish's secretaryship) for the

purpose of reading this draft. It did not please him. In a long and animated conversation, in the course of which he said that Motley should resign rather than execute such instructions, he endeavored to have them modified so as to be more in accordance with his own views. He wrote a paragraph which he proposed to have substituted for a paragraph in the draft. Mr. Fish could not accept it. The next day he sent another form which he desired to substitute for the same paragraph. This Mr. Fish, with the President's approval, adopted in part, after carefully eliminating from it all trace of the objectionable doctrine about the British proclamation.

Mr. Sumner, however, was not content with this. The instructions, although dated on the 15th, were actually engrossed on the 17th of May. On the latter day Mr. Sumner withdrew his second sketch by a note, in which he said:

"As chairman of the Senate Committee, I ought not in any way to be a party to a statement which abandons or enfeebles any of the just grounds of my country as already expounded by Seward, Adams and myself. As you were kind enough to give me an opportunity of expressing an opinion, I owe it to frankness to declare my dissent from the course proposed. I do this in all kindness, and only under a sense of duty. I regret that Mr. Motley's own programme has not been adopted. * * * I wish he were allowed to speak according to his own enlightened discretion."

The passages in these instructions to which Mr. Sumner made this objection and protest were the following:

"The President recognizes the right of every Power, when a civil conflict has arisen within another State, and has attained a sufficient complexity, magnitude and completeness, to define its own relations and those of its citizens and subjects toward the parties to the conflict, so far as their rights and interests are necessarily affected by the conflict.

"The necessity and the propriety of the original concession of belligerency by Great Britain at the time it was made have been contested and are not admitted. They certainly are questionable, but the President regards that concession as a part of the case only so far as it shows the beginning

and the animus of that course of conduct which resulted so disastrously to the United States. It is important in that it foreshadows subsequent events.

"There were other Powers that were contemporaneous with England in similar concession, but it was in England only that the concession was supplemented by acts causing direct damage to the United States. The President is careful to make this discrimination, because he is anxious as much as possible to simplify the case and bring into view these subsequent acts which are so important in determining the question between the two countries.

"You will, therefore, be pleased in your social and private intercourse and conversation, as well as when it becomes necessary in your official conversation and intercourse, to adopt this view of the issuance of the declaration of neutrality by Great Britain and the other Powers, and to place the cause of grievance against Great Britain, not so much upon the issuance of her recognition of the insurgents' state of war, but upon her conduct under and subsequent to such recognition. And it is desirable that you avail yourself of early and suitable occasion, in your social intercourse with the representatives of other Powers which made similar recognition, to let them understand the position of this government on that question, and that the United States make such recognition by them no ground of complaint."

After Motley's official reception by the Queen he sought an early interview with Lord Clarendon, to communicate to him verbally the views of the new Administration. We are concerned only with what he said about the concession of belligerency. In his report to the Secretary of State he says, on this point:

"I then stated the opinion of the President in regard to the recognition or concession of belligerency, as stated in your No. 3, saying that the President recognized the right of a sovereign Power to issue proclamations of neutrality between an insurgent portion of a nation and the lawful government, when such insurrection should have gained the necessary magnitude, consistency, extent of organized power and probability of justification by success; *but that such measures must always be taken with a full view of the grave responsibilities assumed.*

"The famous proclamation of neutrality of May 13, 1861,

was not considered justifiable by the United States Government, but the President wished it to be used, when our case should once more be presented, only as showing animus, *and as being the fountain head of the disasters which had been caused to the American people*, both individually and collectively, by the hands of Englishmen.

"Other nations had issued proclamations contemporaneously, or nearly so, with that of Great Britain; but from Great Britain alone had there come a long series of deeds, injurious to the United States, *as the fruits of the proclamation*, while from other nations there had come no injury save the declaration itself."

The passages which I have italicised show how ingeniously Motley contrived to inject into his speech to Lord Clarendon the ideas which Mr. Fish had carefully eliminated from the instructions. He had, in fact, in the language of Mr. Sumner's protest of the 17th of May, adopted his own "programme" in the place of Mr. Fish's, and spoken according "to his own enlightened discretion," instead of according to his instructions.

The President's first impulse on reading the dispatch was to recall him. The Secretary of State was averse to this course. It did not appear by Motley's report that anything in writing had passed between the legation and the Foreign Office. Mr. Fish was, therefore, of opinion that no harm had been done which could not be rectified by speaking to the British Minister at Washington. He thought that by withdrawing all negotiations on this subject from London, Motley could be safely left there temporarily, subject to recall whenever it might be desirable to intrust a Minister there with discretion as to the Alabama claims. It appeared to him politic to pursue this course rather than subject a new Administration, which had yet to win the confidence of the country, to the scandal of recalling its diplomatic agent at the most conspicuous post, within two months of his arrival there, for disobedience of instructions upon the most important question then pending with a foreign government. He remembered also, Mr. Sumner's deep personal interest in Mr. Motley, and he wished to

avoid every avoidable cause or possible excuse for estrangement of Mr. Sumner from the Administration.

The President deferred to Mr. Fish's opinion, and Motley was instructed as follows on the 28th of June, 1869:

"Your general presentation and treatment of the several subjects discussed in that interview meet the approval of this Department.

"In the course of the conversation, however, it seems that the President's view of the right of every Power, when a civil conflict has arisen within another State, to define its own relations and those of its citizens, was not conveyed in precise conformity to that view, as I desired to present it to you, and as it would doubtless have been conveyed by you had your communication been made in writing.

"The subject may not again be a topic of official communication between yourself and the Minister of Foreign Affairs, but I venture to call your attention to it, because of the statement in your dispatch that Lord Clarendon replied to that part of your remarks by saying that "if there was to be any discussion of principles it had better be done thoroughly and to the bottom." The President recognizes the importance of a thorough discussion (whenever the subject is resumed) upon all the points of difference. He wishes that whenever negotiations or discussion on the subject of the "Alabama claims" (so called) shall be renewed they be conducted in the United States; and he desires that at the proper time you should convey this wish to the Minister of Foreign Affairs. It is impossible to say at present when that time will arrive, but it will certainly have arrived whenever the British Government shall propose a discussion or shall intimate a desire to reopen the negotiation.

"In the meantime you may be well content to rest the question on the very forcible presentation you have made of the American side of the question. It was strongly done, and if there were expressions used stronger than were required by your instructions the excess was in the right direction, and stopping where they do, and uttered as they were, it may well be hoped that they may tend to impress the Minister with the seriousness of our appreciation of the grievances we have sustained."

Motley acknowledged the receipt of these instructions on the 15th of July, 1869, and did not deny that he had ex-

ceeded the limit of his instructions by presenting to Lord Clarendon views about the British proclamation which were not those of the President and Secretary of State.

It soon turned out that Mr. Fish had been mistaken in supposing that no written statement by Mr. Motley of the views of the new Administration about the Alabama claims had been in Lord Clarendon's hands. On the 30th of July, 1869, nearly seven weeks after the interview had taken place, and more than a month after the date of the letter carrying to him the criticism of the Government on his statement, and withdrawing from him all further discussion of the Alabama claims, Mr. Motley wrote thus to Mr. Fish:

"I find that I have inadvertently omitted, until now, to inform you that my dispatch No. 8, of June 12, containing a minute record of an official interview with Lord Clarendon, was confidentially submitted by me to His Lordship, in order that there might be no misunderstanding at any future day as to the accuracy of the report of our conversation.

"I accordingly beg now to say that he quite concurred in the fidelity of the statements of the dispatch as sent to you. I have also to add that the dispatch was seen by nobody but Lord Clarendon himself, and that no extract from it was made."

As soon as this paper was brought to Mr. Fish's notice, which was not until the following October, he at once laid it before the President, who thereupon directed him to recall Motley on the spot. Mr. Fish, however, influenced by the same considerations as before, succeeded in obtaining postponement and delay, with authority in the meantime to send the following instruction, which was dated October 11, 1869:

"When, on the 28th of June last, I answered your No. 8, in which you gave a highly interesting account of your interview with Lord Clarendon, and of the views which you there presented to him as the views entertained by the President upon the subjects of the recognition of the late insurgents in the Southern States as belligerents, and the destruction of American commerce by cruisers of British origin carrying the insurgent flag, I was not aware that

your statement of the conversation had been submitted to His Lordship for his verification. Your No. 65, of the 30th of July last, first acquainting the Department with that fact, arrived here on the morning of a day on which I was about to leave Washington for a temporary absence, and through inadvertence the fact escaped my notice.

"As, without an explanation, His Lordship may naturally be surprised at finding some of the views, purporting to come from the President, which are contained in the written paper submitted by you in June last, inconsistent with the views contained in the paper dated the 25th of September last, which you were instructed to read to him, I must ask you to explain to him that your presentation and treatment of the subject discussed at that interview were in part disapproved by me in my communication of the 28th of June last, to which I have already referred. This you may do by reading to him such portion of the instructions contained in my No. 23, of the 28th of June last, as referred thereto, or by stating to him the substance of such part of that note, or by a note containing the substance of that part of my note, at your discretion."

Mr. Fish took no exception to the manner in which Mr. Motley complied with these directions. From that time forward the subject of his disobedience of instructions remained in abeyance until revived in the closing correspondence between him and the Secretary. After the receipt, on the 23d of June, 1869, of his account of his first interview with Lord Clarendon, he was intrusted with nothing important affecting the Alabama claims, except to read a formal paper of Mr. Fish's of the 25th of September, 1869, and to leave a copy of it at the Foreign Office.

He did not, however, cease to occupy himself unofficially with these claims. Late in the autumn of 1869 an English gentleman of the best position in politics, of high personal character, and a very good friend to Mr. Motley, wrote, in language most kind and in spirit friendly to that gentleman, a letter to Mr. Fish, expressing fear and regret that Mr. Motley's bearing in his social intercourse was throwing obstacles in the way of a future settlement. Mr. Fish informed Mr. Sumner of the purport of the information; but

he saw fit to regard this friendly expostulation as the communication of an enemy, and said it was only a repetition of the "McCracken" letters. Under the circumstances, Mr. Fish felt unwilling to push an inquiry which might seem to imply a willingness to censure, and thought it better to submit for a while to misrepresentation at London, rather than increase the differences between Mr. Sumner and the Administration.

It was after the events which I have described, and before the formal recall of Motley, that the treaty for the annexation of St. Domingo was brought to Washington and came to Mr. Sumner's knowledge. On the 31st of December, 1869, the President went to Sumner's house to talk with him on the subject. It is well known that the former was cordially favoring the movement, and that he regarded the acquisition of the island as an important feature of his foreign policy. The President and others who were present left Mr. Sumner's house that night under the impression that the Senator had expressed his approval of the measure and the intention to support it. It was not long, however, before he was seen to be against it. Hostility to the measure soon changed into hostility to the promoters of it. Bitter and exasperating remarks upon the President and his friends put an end to possibility of intercourse between General Grant and Mr. Sumner, and undoubtedly accelerated the breach between the latter and Mr. Fish. On the 30th of June, 1870, the treaty—the eventual defeat of which had been evident for months—was formally rejected. On the 1st day of July, 1870, Motley was asked to resign He refused and was thereupon removed, and the Senate approved the nomination of his successor without serious opposition.

It would be useless to enter into a controversy whether the President may or may not have been influenced in the final determination of the moment for requesting Motley's resignation by the feeling caused by Sumner's personal hostility and personal abuse of himself. He had already determined upon the removal as far back as October, 1869.

Motley no longer enjoyed the official confidence of the Secretary of State. He was worse than useless in London should the desired resumption of negotiations take place. He had been retained in office after a great breach of duty only at the request of the Secretary of State—a request made partly in the hope of eventually gaining Sumner's support to the English policy, partly in the desire of not offending him, and, in my judgment, in no small degree from the high personal regard which the Secretary had for Motley. The Secretary also had been most anxious to restore personal friendly relations between the President and Mr. Sumner. Now, however, the hostile attitude of the Senator to the President showed that he had made up his mind to have no terms with the Administration. Whatever injury and scandal could come from a public quarrel had already come, and as the recent death of Lord Clarendon seemed to open the way for the possible renewal of negotiations, Mr. Fish withdrew his opposition to the change in the London Mission.

This took place in July, 1870, but Motley did not leave the mission until the 6th day of the following December. On the 5th of January, 1871, the Senate made a call upon the President for the correspondence respecting Motley's recall. On the 9th of the same January the call was answered by transmitting to the Senate a mass of correspondence. The day before it appeared in print, a gentleman enjoying the entire confidence of Lord Granville arrived in Washington on a semi-official mission to enquire whether a basis could not be found for reopening negotiations to adjust the troublesome questions pending between the two governments. I expose no secret when I say that this was not the first time that he had been in Washington since General Grant's advent to the Presidency. But it is not so well known that, shortly after the rejection of the Johnson Clarendon treaty, Mr. Fish had indicated to him a possible solution of the pending differences in almost the identical manner in which it finally resulted, and that from thence on a confidential correspondence had been main-

tained by Mr. Fish with him. In a few days after his arrival he had proceeded far enough with the business to satisfy Mr. Fish that there was a fair opportunity to conclude a satisfactory treaty, if there were reasonable hope that it would receive the assent of the Senate.

More than once Mr. Fish, as Secretary, showed himself disposed to give force to the word "advice," as well as the word "consent," in the clause which makes the Senate coordinate with the Executive in the negotiation of treaties. It was, therefore, in accord with his conduct as well as his convictions when he determined to ascertain the opinion of the Committee on Foreign Relations, before agreeing to enter upon formal negotiations with Great Britain on the proposed basis. The correspondence about Mr. Motley's retirement had just appeared, and Mr. Fish had been informed of severe and personal remarks by Mr. Sumner in consequence of it. Indeed, the style of Mr. Sumner's criticism on Mr. Fish, during that summer and autumn, was no secret, and one leading Republican Senator went so far as to urge Mr. Fish not to let it make a breach until one could not be avoided. Mr. Fish, therefore, thought it proper, before seeking an interview with the Senator, to ascertain whether he would be treated civilly. Mr. Patterson, of New Hampshire, also a member of the committee, was to that end informed of the purport of the semi-official proposals, and was requested to communicate with Mr. Sumner. After consulting with him, Mr. Patterson answered thus:

UNITED STATES SENATE CHAMBER,
WASHINGTON, Jan. 12, 1871.

MY DEAR SECRETARY—I have had a long talk with Mr. Sumner this morning, and find him in better mood than I anticipated; and he will receive you kindly, should you call on him. I have given him enough of what you communicated to me last evening to make him hungry for more. Mr. Sumner said he could never feel or say anything unkindly of you, as your friendship had a standing of twenty years. He does, however, condescend to feel a little pity that one so well inclined by nature should have

allowed himself to have drifted into a support of what he deems the President's bloody lawsuit with San Domingo, or rather Hayti. He has not yet read your reply to Mr. Motley, and will not for several days; and, therefore, holds his judgment in reserve on that issue. On the whole, Mr. Sumner will be glad to see you, and enter into the question which you have in hand.

With great respect, I am, your obedient servant,
J. W. PATTERSON.

This letter was received on January 13. On the morning of the 15th Mr. Fish went to Mr. Sumner's house. He was cordially received by the Senator, and presented to him in detail the whole ground of the pending negotiations and the proposals there made. Mr. Sumner said that they would require much reflection, and that he was not ready to give an answer. After some delay, he promised to reply at an early day. He repeated to Mr. Fish what he had said to Mr. Patterson; that he had not yet read the Motley correspondence; and he accompanied his guest to the door, and shook his hand warmly at parting.

The British proposals related to the fisheries and the disputed boundary as well as the Alabama claims. Sumner's answer was given in writing on the 17th of January:

Memorandum for Mr. Fish, in Reply to His Inquiries.

First.—The idea of Sir John Rose is that all questions and causes of irritation between England and the United States should be removed absolutely and forever, that we may be at peace really and good neighbors; and to this end all points of differences should be considered together. Nothing could be better than this initial idea. It should be the starting point.

Second.—The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the proximity of the British flag in Canada. Therefore the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere, including provinces and islands.

Third.—No proposition for a joint commission can be accepted unless the terms of submission are such as to leave no reasonable doubt of a favorable result. There must not be another failure.

Fourth.—A discrimination in favor of claims arising from the depredations of any particular ship will dishonor the claims arising from the depredations of other ships, which the American Government cannot afford to do; nor should the English Government expect it, if they would sincerely remove all occasions of difference.

January 17, 1871. C. S.

Like Mr. Sumner's speech in April, 1869, this remarkable document would have shut the door to all settlement, had it been listened to. To a suggestion that we should negotiate for the settlement of our disputed boundary and of the fisheries, it proposed to answer that we would negotiate only on condition that Great Britain would first abandon the whole subject of the proposed negotiation. I well remember Mr. Fish's astonishment when he received this document. At first he almost thought any attempt at negotiation would prove futile; but, confident in the course he had marked out, and encouraged by Senators who knew what had taken place, he determined to go on, telling them, however, that it would be hopeless to do so while the Chairman of the Committee on Foreign Relations was opposed to negotiating on a practical basis. They replied that the Senate would not oppose a reasonable treaty, and was not disposed to shut the door to negotiations; and that if Mr. Fish would go on he might be assured that ways would be found for obtaining in the Senate a fair hearing for any results which might be reached.

With this assurance, the preliminary negotiations were continued. They lasted for some days longer. Each Power then appointed its plenipotentiaries for more formal negotiations. The British Commissioners arrived in New York on the 22d February, 1871. On the 27th of February the united sessions of the Commissioners began at Washington, but they did not get to work on the Alabama claims until the 8th day of the following March.

The Forty-first Congress expired on the 4th day of that March, and on the assembling of the Senate of the Forty-second Congress the election of its committees was, as usual, one of the first pieces of business. At the onset there appeared on the part of leading Republicans, who knew the true state of the English question, a determination to organize the Committee on Foreign Relations with a new chairman. This was resisted by some who were less informed; but on the 10th of March, two days after the negotiations upon the Alabama claims had been opened in the Joint High Commission, the new organization was made, with Mr. Cameron, of Pennsylvania, as chairman. Although no Senator has ever told me what induced the Senate to make the change, I had no doubt then, and have since seen no reason to doubt, that the substitution of Mr. Cameron for Mr. Sumner was the practical answer of the leading Republican members to the manifesto of the 17th of January. It would have been the height of indiscretion, in the then stage of negotiations in the Joint High Commission, to make that manifesto public or to refer in any way to those negotiations. It was, therefore, said, in reply to persons asking a reason for the change, that Mr. Sumner was not on speaking terms with the President and with Mr. Fish. This was regarded as, and was, a fully sufficient reason.

At or about the time the change took place, the President and Mr. Fish stated to more than one Senator that the current business of the Department of State had been neglected in the Senate during the previous session; and particularly that no treaty which had been sent to the Senate during the session which followed Motley's recall had been acted on. The recent lifting of the veil from the doings of the Senate in executive session at that time shows that this charge is literally true.

By the custom of the Senate, treaties which have been reported from a committee, with a recommendation that the Senate advise their ratification, are regarded as in the charge of the chairman, unless reported by some other

member. It is his business to move them forward and secure the Senate's action upon them. The unrevealed records of the Senate in executive session will show whether Mr. Sumner made any attempt during that winter to secure the action of the Senate on these treaties. Mr. Cameron, within three weeks after his appointment, secured the assent of the Senate to all, and wrote Mr. Fish the following letter:

UNITED STATES SENATE CHAMBER,
WASHINGTON, March 31, 1871.

HON. HAMILTON FISH, *Secretary of State, etc.*

SIR—I have the honor to inform you that the Senate, in executive session, confirmed this day the following executive business:

1. Treaty of friendship, commerce and navigation with Peru, of December 6, 1870, which has been lying in the Senate since December 8, 1870.

2. Extradition treaty with Peru, September 12, 1870, which has been before the Senate since December 6, 1870.

3. Extradition treaty with Guatemala, of October 11, 1870, lying over since December 6, 1870.

4. Extradition treaty with Nicaragua, of June 5, 1870, lying here since December 6, 1870.

5. Treaty of amity, commerce and consular privileges with Salvador, of December 6, 1870, lying here since January 9, 1871.

6. Treaty of friendship, commerce and navigation with Urugnay, of December, 1870, lying here since January 27, 1871.

7. The protocol with Mexico of October 23, 1869 (to confirm the validity of Joint Commission on Claims), was laid aside as unnecessary, in the judgment of the Senate.

I have the honor to be, very respectfully, your obedient servant,

SIMON CAMERON,
Chairman Committee on Foreign Relations.

These treaties and protocol were all acted upon on the 31st of March. In addition to them, the naturalization convention with Austria-Hungary, laid before the Senate on the 12th of December, 1870, was assented to by the Senate

March 22, 1871; and the convention with Great Britain supplemental to the naturalization convention, submitted to the Senate February 28, 1871, was assented to March 22, 1871, thus making an aggregate of eight treaties which were sent to the Senate by the President during the session which followed Mr. Motley's removal, which were not acted upon during that session while Mr. Sumner was chairman of the committee, and which received the assent of the Senate shortly after Mr. Cameron was made chairman. Mr. Cameron also obtained at the same session the Senate's action on the Mexican protocol. The Secretary of State was himself of opinion with the Senate that the action of that body was not necessary, but it was thought desirable to have the Senate's decision upon the question.

In conclusion, I add to the foregoing narrative only the following general remarks: Mr. Motley's friends were (perhaps not unnaturally) indignant at his removal, and joined him in attributing it to Mr. Sumner's course toward the St. Domingo Treaty. They insisted that a scholar so brilliant, a citizen so distinguished, and a gentleman so genial and accomplished, should not have been displaced from a diplomatic service in which such qualifications do not predominate. In saying this, they apparently forgot that the more brilliant, the more distinguished, and the more attractive in social life an envoy is, the more dangerous he may be to his country when he breaks loose from his instructions and communicates socially to the world and officially to the Government to which he is accredited views opposed to those of his own Government.

The friends of Mr. Sumner were also indignant that he was not continued at the head of the Senate Committee. They said that his exalted character, his great experience, his distinguished abilities, and his long training pre-eminently fitted him for the post. They overlooked the fact that qualities like these made their possessor all the more objectionable in the eyes of conscientious opponents, who did not wish to shut the door against negotiations with England, and who were not disposed to meet her

peaceful advances by the assertion that, preliminary to all negotiations, the British flag must be removed from this hemisphere, including provinces and islands.

Neither Mr. Motley nor Mr. Sumner was the victim of a political intrigue about St. Domingo. Other statesmen were put in their places because they disagreed with the Administration, and with a large majority of the Senate, about a question of foreign policy of the highest importance. It is true that two months and a half later Mr. Sumner accepted what he could not prevent, and gave his vote in favor of the Treaty of Washington; but on the 10th of March, 1871, the treaty did not exist, even in embryo. If the Washington Treaty ought to have been made, the changes in the mission to London, and in the chairmanship of the Senate Committee on Foreign Relations, were wise and necessary political measures. If, on the contrary, it ought not to have been made, the Administration which removed Motley, and the Senate which failed to re-elect Sumner, will be condemned by history.

J. C. BANCROFT DAVIS.

January 3, 1878.